

TOWN COUNCIL MEETING

Municipal Center Council Chambers

July 11, 2023, 2023; 1:00 pm

Minutes

I. **Call to Order:** *Mayor Labriola called the meeting to order at 1:00 pm.*

II. **Pledge of Allegiance**

III. **Roll Call:**

Present at Meeting: John D. Labriola, *Mayor*
John Moffitt, *Mayor Pro Tem*
Russell Berner, *Councilmember*
Brad Belt, *Councilmember*

Present Via Zoom: Michael Heidingsfelder, *Councilmember*

Also Present: Stephanie Tillerson, *Town Administrator*
Joe Wilson, *Town Attorney*
Craig Harris, *Director of Public Safety*

IV. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of June 6, 2023

The minutes of the Town Council Meeting of June 6, 2023, were deferred to the next meeting.

B. Minutes of the Special Call Town Council Meeting of June 7, 2023

Councilmember Berner made a motion to approve the minutes of the Special Call Town Council Meeting of June 7, 2023. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.

V. **Updates:**

A. **Mayor**

Mayor Labriola stated that there have been discussions relative to the Beachwalker Plan encompassing both the specific Upper Beachwalker project and the possible acquisition of the Real Estate building for infrastructure Improvement, and Kimley-Horn presented multiple alternatives as part of the discussion. They have been asked to come back and do a cost-benefit analysis to put more of the analytics behind the alternatives they presented. John, I, and Stephanie met with Mr. Turner, Kimley Horn's senior representative, this morning for an update. The analysis is not close to completion, and the target is a presentation at the August 1st Town Council Meeting. Mr. Turner will talk about the three alternatives, their impact on traffic and traffic flow, the economics behind the different alternatives, and what type of impact they would have. Mayor Labriola noted this could be the largest infrastructure investment the Town has ever made. It would be a very costly project and has to be looked at in terms of decades of impact, improvement, and what it would do for the traffic flow. Once the information is completed, it will be distributed to all members of the Council, and plan on the discussion on August 1st.

B. **Council Members**

Councilmember Heidingsfelder reported that the activities he is involved in are progressing nicely, and those involved are very engaged.

- The Go Green initiative has received a lot of feedback from the community. The numerous emails that he has received with ideas and concerns are appreciated.
- All the different workgroups have now met and started their activities.
- A Survey Monkey has been opened to get information about the electric vehicles on the island. In four days, there were 900 responses to the survey; that number of comments and input was unexpected. The survey is still open so that the community can respond.
- A multitude of emails and phone calls were received with concerns about topics along the beach.
 - Clutter - umbrella and chair boxes and the unorderedly storage of those items.
 - Informational requirements that are missing at the boardwalks; etiquette on the beach, what to do if there are rip currents and dangers in the water
 - Workgroup kick-off on September 8th

Councilmember Heidingsfelder presented a proposal to manage commercial traffic on the island better. Traffic on and onto the island is clearly the biggest community concern. It is a topic in the community drop-in meetings on iKiawah and expressed in the emails received. Long-term solutions may be years in the making, but they are not helpful now, creating the need for short and mid-term mitigation actions.

Councilmember Heidingsfelder reviewed some of the short-term solutions recently implemented, but he felt the key issues are all the service and construction-related vehicles entering and exiting the island. Working together with the Community Association, the two proposals could, at least in the short to mid-term, reduce the impact of traffic on the island.

Councilmember Heidingsfelder presented his concepts to manage commercial traffic better, providing the specifics for each concept:

- ▶ The following **two concepts** can help to reduce construction-related traffic and help mitigate the regular traffic back-ups during peak times:
 1. **BLACKOUT**
Stop of all non-urgent construction work during peak weeks for the island – for example around Easter, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas to New Year.
 This measure will need to be implemented and enforced in collaboration with KICA at the 1st Gate based on a Town Ordinance.
 2. **LIMIT**
Cap the number of building permits issued per year by the Town of Kiawah Island for new construction, alteration, renovation or remodeling, and major repair projects.
- ▶ Both concepts could substantially **reduce the amount of commercial and construction-related traffic** onto and on the island and **significantly improve the perceived experience** for both our residents and visitors to the island.

Following the presentation, Mayor Pro Tem Moffitt suggested that these concepts are put on a future agenda allowing time to consider the presented concepts, generate questions, and have a productive discussion rather than a prolonged discussion of first impressions.

Councilmember Belt commended Councilmember Heidingsfelder on a thoughtful presentation that he obviously put a great deal of work into and agreed it would require more time to consider. He suggested two other concepts utilized in other jurisdictions which may warrant consideration; dynamic pricing for permits and/or phased access, providing examples of how these would work.

Councilmember Berner indicated he had already discussed the concepts with Councilmember Heidingsfelder and felt this would violate the basic economic principle of supply and demand. Limiting the supply of permits will immediately react to the demand. The demand will not change,

but the prices will go up significantly. He pointed out an alternative idea, already heard many times, about changing the access point for receiving passes.

Councilmember Belt commented on the traffic entering the island, indicating that the traffic control officer seemed to be reasonably effective when present and questioned the operating policy. Ms. Tillerson clarified that a daytime code enforcement officer works the intersection during the morning and afternoon. With no dedicated person, the code enforcement officer may be called off to another task, but another available code enforcement officer returns. In the long term, hiring a dedicated person during the peak season may be required.

Councilmember Heidingsfelder expressed his desire to move forward from an interim solution to a more permanent solution of a dedicated employee to mitigate traffic in the morning hours.

Councilmember Berner reported that his hurricane preparedness podcast should be online shortly and that he met with the Community Association's Ms. White and Mr. Elder concerning short-term rentals. The meeting was in response to complaints from residents near neighborhoods with short-term rentals, and he was surprised to discover in the conversation that renters have the ability to call in a guest day pass for as many people as they want without limitation. He noted that conversations will continue.

Councilmember Belt provided updates on the following:

► ARB Taskforce –

1. Mr. Donlon, Co-Chair, and KICA Board member, reported at the KICA meeting that the task force invited community input into the preliminary report and received approximately 90 fairly detailed community comments on a wide range of issues that were characterized under four general themes:
 - ARB rules are being inconsistently applied between homeowners and commercial interests.
 - Cost-related issues - Timeliness of receiving deposits back after completion of the project
 - Timeliness and responsiveness of the ARB concerning various approval requirements
 - Changing the rules mid-stream
2. The task force will submit a summary of its findings as part of phase one and move into phase two to start developing concrete recommendations for moving forward.

Mayor Labriola questioned if the comments mentioned would be provided to the senior leadership of the ARB for their response. Councilmember Belt indicated that the ARB would be invited to offer their responses when released.

► Development Related Projects

1. Andell West – Riverstone and Mr. Corrada will have a community presentation scheduled for next Monday at the West Beach Conference Center.
2. Andell-Bohicket Marina proposed expansion –
 - Seabrook Planning Commission on Wednesday, July 12th
 - Slides of project overview and rendering were presented - showing access to Betsy Kerrison Parkway directly across from the Municipal Center entrance.
 - Concerns about entrance point
3. Orange Hill
 - A proposed redevelopment of 700 acres along Bohicket Road
 - Charleston County Planning Commission Workshop was held Monday, July 10th
 - Partners held a Public Community meeting last month
 - A slide of the concept plan under the existing PD and the current concept plan was presented
 - Proposed to go before County Planning Commission next month
4. Proposed Medical Village on Betsy Kerrison
 - Conservancy had views about the potential environmental impact of the proposed development.

- Suggested that the developer come before the community to present what is being proposed
 - Tentatively going before the County Planning Commission on August 12th
5. Upper Beachwalker and Lower Beachwalker development proposals
- The document was received and is now under site plan review

C. Administrator

Ms. Tillerson stated that she asked Mr. Taylor to provide a tentative schedule regarding what we need to do once the KP Development Agreement sunsets in December.

Mr. Taylor stated that the applications were received for Lower Beachwalker (parcel 13- Lot-1) and Upper Beachwalker, and the projects are advancing through the site plan review process. He provided an overview of the process and indicated that the timeline dependent on the review process. Comments will be issued, and responses from the applicant will go back and forth until an approvable state is reached. The Final Plat would be when all comments are addressed during the site plan approval process.

Councilmember Belt noted some concerns while reviewing the documents and asked what could be done without waiver or variance. Ms. Tillerson responded that the application documents were submitted on Friday, with no chance for Mr. Taylor to begin the review process, but any noted variances would go through the proper channel and adjustments made to the site plan.

Councilmember Belt commented on the Mingo Point expansion asking the questions raised by homeowners in The Point. Mr. Taylor provided responses to each of the questions raised.

Mr. Taylor provided a brief outline of some points that will need to occur as the Development Agreement ends in December. The Planning staff has been working on a timeline to ensure we meet those things in place as the end of the year approaches. He indicated that entering the fall, more formal documents will be presented to the community.

Mr. Taylor noted that the final component would be that after the Comprehensive Plan review is completed, it is important to schedule a holistic review of the zoning code, engaging and consultant to help with the extensive project of cleaning up a number of things that have probably been overlooked over the years.

1. Brief presentation and Discussion by Bruce Spicher, Building Official on FEMA Incentivized Programs to Aid in Developing Resilient Communities

Mr. Spicher discussed the CRS (Community Rating System) program, a voluntary program a member of the National Flood Insurance Program (NFIP) can opt into. The CRS program is an incentivized program that encourages floodplain management practices that are more stringent than the minimum requirements of the NFIP. Having ordinances stricter than what NFIP requires allows you a numeric value; the lower that numeric value, the better your rating. The CRS rating is directly tied to flood insurance premiums through a percentage reduction in those premiums and impacts the insurance premiums paid by Kiawah property owners.

Mr. Spicher noted numerous things that can be looked at in the Town's Flood Ordinance to boost the Town's CRS. He suggested forming a workgroup with Councilmembers and staff to take a deep dive into the Town's Flood Ordinance to see what can be done to improve the Town's CRS rating by making changes and bringing those recommendations to Council for ordinance adoption.

Mayor Pro Tem Moffitt indicated he had noted the task for the Ordinance Review Committee.

VI. **Citizens' Comments (Agenda Items Only): Limited to 15 Minutes.**

Each speaker shall be limited to five minutes.

Mark Permar – Representative of Kiawah Partners

Mr. Permar provided an update on a topic discussed at June’s council meeting about Upper Beachwalker parcels. Council recommendation for Kiawah Partners to reach out to those Property Owners most affected by potential revisions to development standards on the Upper Beachwalker parcels is acknowledged. Three neighborhoods are contiguous to the property; River View, Inlet Cove, and the Cottage Owners Association. To date, informal discussions have occurred with the River View Associations and Inlet Cove, but we have yet to schedule one for the Cottage Owners Association. They were good sessions because the purpose of the sessions was to present information that was somewhat familiar from previous presentations but updated information, as well as to listen to comments and questions.

As Councilmember Belt mentioned, that included things such as the submission of plans, at least for portions of the parcels in the Upper Beachwalker area. The Riverview group, in particular, said that until we understand what you can do on the parcels, it’s difficult to measure a proposal that might be an adjustment to the standards if they were consolidated. I’m going to follow up and distribute that information to the board members of the associations that we have already met, with some suggestion as to the nature of what part of the process has been in.

At the end of each session, I summarize what I believe I heard, and then the summary is sent to those board members. The responses received back will be incorporated, or the summaries will be refined or adjusted and reissued to those board members appropriately coping with Mr. Taylor and Ms. Tillerson on the status for information purposes. It is our thought that once we complete at least the first pass, I offered to all of the boards that it might be a good idea to have another session, whether that’s Consolidated as a group or separate ones, and then out of that would come some recommendations and some observations by Kiawah Partners.

Councilmembers further discussed the update provided by Mr. Permar to include questions posed on expectations and applying for a Planned Development while on a parallel path to obtaining by-right final approval.

VII. Old Business:

None

VIII. New Business:

A. To Consider Approval of the Charleston Area Transportation Authority (CARTA) Proposed Fiscal Year 2023-2024 Budget

Mr. Brock stated that each of the member governments of CARTA are presented with a proposed budget for approval every year. Though not in the budget, he highlighted the following:

- CARTA recently received a 25.9-million-dollar FTA appropriation for a new Transit Center in North Charleston that’s going to replace the current hub
- The new hub will include eight charging bays and connect directly to the Lowcountry Rapid Transit System (LCRT).
- The new facility is expected to be online in late 2025 or early 2026.
- the LCRT is expected to be ready by 2029
- CARTA recently brought on a new operations contractor and is looking for improves service
- CARTA is transitioning to a fully electric fleet and has installed 24 new charging stations and a conversion station at the headquarters

In regard to the discussion on traffic, Mr. Brock reminded Council that CARTA had a regional vanpool program for builders that crews coming to the island in separate vehicles.

Councilmembers asked if the island’s contractors or subcontractors are aware of this program and if information on the service could be pushed out in communications to contractors. It was also suggested that the program be included in next month’s traffic mitigation discussion.

Mayor Pro Tem Moffitt made a motion to approve the CARTA proposed fiscal year 2023-2024 budget. Councilmember Berner seconded the motion, and it was unanimously approved.

- B. To Consider Approval of the Carolina Waste Contract Amendment
- C. To Consider Approval to Conduct a Survey of Beachwalker Drive
- D. To Consider Approval of the Beachwalker Drive Landscape Enhancement Project with Artigues Landscaping and Maintenance

Mayor Labriola made a motion for consent approval of items B, C, and D recommended by the Ways and Mean Committee. Mayor Pro Tem seconded the motion, and it was unanimously approved.

- E. To Consider Approval of the Proposal from Elko Consulting to Conduct a Feasibility Study for Improvements to the Kiawah River Public Access

The Ways and Means Committee tabled this Item.

- F. To Discuss and Consider Approval of a Safety Device that can be Attached to the Existing Pedestrian Signs at the Beachwalker Drive/Kiawah Island Parkway Intersection

Mr. Gottshalk stated that the safety of Kiawah's residents, guests, and employees is the Town's and its staff's responsibility. As the island continues to grow, we're obviously seeing a lot of stress on the roadways and bike paths with people using them daily throughout the year. One stress point on the Town's property is the Kiawah Island Parkway and Beachwalker Drive intersection. It is a heavily used intersection with people going through the main Gate, turning onto Beachwalker Drive, going to the gas station, to and from their homes, the County Park, and the KICA administration building and going through the intersection. Along with Councilmember Heidingsfelder and Councilmember Berner, Mr. Gottshalk investigated how to increase safety for pedestrians crossing Beachwalker Drive. One of the things that came up was installing the flashing lights that pedestrians can push the button, and a light will alert motorists that somebody is crossing the path and then cut off after a programmed amount of time. Councilmember Heidingsfelder and Councilmember Berner have had discussions with the ARB because it is a new implement that we are interested in trying out and giving this a pilot test at the intersection of Beachwalker Drive and the Parkway and also at one area behind the Gate, potentially at Kiawah Beach Drive and Oyster Rake.

We wanted to discuss this with the rest of Council to hear your thoughts and hopefully get your support in implementing this.

Councilmembers discussed the proposal to eliminate the potential risk and provide more safety to the island. Councilmember Berner provided background information on his push for the addition of a warning device at crosswalks and, in addition to having a sign with a blinking light, to have a pre-warning sign where motorists have to stop when the sign is actuated or at least slow down. Also discussed were the meetings with the ARB, concerns with the expectations that people will stop or slow down and bikers will press the button, and the need for an accompanying communication approach if approved.

Councilmember Heidingsfelder made a motion to approve a Safety Device that can be Attached to the Existing Pedestrian Signs at the Beachwalker Drive/Kiawah Island Parkway Intersection. Councilmember Berner seconded the motion, and it was unanimously approved.

- G. To Consider Approval of Resolution 2023-01 - A Resolution To Amend The Town Of Kiawah Island Planning Department Fee Schedule

The Ways and Means Committee tabled this Item.

- H. To Consider Approval of **Ordinance 2023-08** - An Ordinance To Amend The Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Division 3 – Provisions For Flood Hazard Reduction, Section 14-173 - Special Standards - **First Reading**

Mr. Spicher stated that the Ordinance 2023-08 amends the Town’s Flood Ordinance by adding the wording “the effects of” to Section 14-173, Subparagraph O. Clarifying that the ordinance subparagraph is to address the designed and grading operations to limit the effects of flooding and not to prevent all flooding. The ordinance also adds Subparagraph P addressing the modification to a louvered panel when the spacing is not code compliant.

- I. To Consider Approval of **Ordinance 2023-09** - An Ordinance To Amend The Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Division 3 – Provisions For Flood Hazard Reduction, Section 14-178 – Elevated Buildings – **First Reading**

Mr. Spicher stated that Ordinance 2023-09 amends the Town’s Flood Ordinance by adding subparagraph 8 to Section 14-178 by implementing a non-conversion agreement which ensures that the homeowner is aware of the requirements regarding the space under the home. It prevents these areas from becoming habitable spaces once the certificate of occupancy has been issued.

Councilmember discussed the proposed amendments, clarified language, and if additional language could be added to include the non-conversion agreement for new construction and when a home is sold.

Mayor Pro Tem Moffitt made a motion to approve the first reading of items H and I. Councilmember Berner seconded the motion, and it was unanimously approved.

- J. To Consider Approval of **Ordinance 2023-10** - An Ordinance to Amend the Town of Kiawah Island Comprehensive Plan Map IX.2, Future Land Use; to Change the Future Land Use Designation for the Subject Property (209-06-00-344) From “Commercial” to “Active Recreation and Open Space” - **First Reading.**

- K. To Consider Approval of **Ordinance 2023-11** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning, Article II. - Zoning, Division 2. - Zoning Map/Districts, Section 12-62. – Zoning Map by Rezoning the Property (209-06-00-344) from the “Commercial” (C) Zoning District to the “Parks and Recreation” (PR) Zoning District of the Zoning Ordinance of the Town of Kiawah Island, South Carolina - **First Reading**

Mayor Labriola stated that no comment was made at today’s Public Hearing.

Mayor Pro Tem Moffitt made a motion to approve the first reading of items J and K. Councilmember Berner seconded the motion, and it was unanimously approved.

IX. Council Member Comments:

Mayor Pro Tem Moffitt stated that the discussion of Councilmember Heidingsfelder’s traffic mitigation proposal was pushed to next month, but he has taken a lot of time on the proposal and encouraged all members to take the time to go through it, have some productive input and a good discussion next month.

Councilmember Heidingsfelder asked for clarification on whether Council will be moving forward with investigating if there can be a process with an ordinance to require inspection on a sold house relating to the most recent discussion. Ms. Tillerson indicated that if Council is interested, she will

work with Mr. Spicher to investigate the process. Councilmember Heidingsfelder indicated that he supported it and it would help the CRS rating.

Councilmember Heidingsfelder indicated he forgot to update Council and the Community on the work done with Ms. Tillerson and a community member moving forward a grant application for federal funding available for municipalities by the US Department of Transportation to establish vehicle charging stations. The Town applied for substantial money from the program and hoped that a certain portion would be approved to help the Town install several electric vehicle charging stations before the first Gate; Municipal Center, Freshfields, and Beachwalker Park. The funding would help finance a key portion of the Kiawah Goes Green initiative.

Councilmember Heidingsfelder commented that, like today, he participated in the KICA Board meeting virtually, noting that the audio quality of the board meeting was horrible and encouraged the Town to reach out to KICA and offer Council Chambers for their meeting.

Councilmember Heidingsfelder encouraged not to limit citizens' comments to fifteen minutes. He agreed with limiting the time per speaker but felt the fifteen-minute limit was the wrong signal to the community.

Mayor Labriola indicated that Town Ordinance spells out the perimeters and asked if the Ordinance Review Workgroup could look at it. If it is the group's consensus to have longer times spelled out in the ordinance, change it. Councilmember Heidingsfelder indicated that he would agree to 30 minutes at the beginning and 30 minutes at the end of the meetings.

X. Citizens' Comments: Limited to 15 Minutes.


Each speaker shall be limited to five minutes.

None

XI. Adjournment:

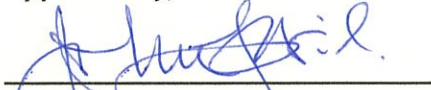
Councilmember Berner made a motion to adjourn the meeting at 3:22 pm. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor

8-4-2023

Date